

GUJARAT NEW CAPITAL (PERIPHERY) CONTROL ACT, 1960

10 of 1960

[17/9/1960]

CONTENTS

1. Short title, extent and commencement.-
2. Definitions.-
3. Declaration of controlled area.-
4. Publication of plans of controlled area.-
5. Restrictions in controlled area.-
6. Applications for permission and grant or refusal of such permission.-
7. Appeal.-
8. Compensation.-
9. Arbitration for compensation.-
10. Savings.-
11. Prohibition on use of land.-
12. Offences and penalties.-
13. Trial of offences.-
14. Indemnity.-
15. Exemption.-
16. Power to make rules.-
17. Repeal of Gujarat Ordinance No. VII of 1960.-

GUJARAT NEW CAPITAL (PERIPHERY) CONTROL ACT, 1960

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An Act to Provide for controlling and regulating development in the periphery of the new capital of the State of Gujarat. It is hereby enacted in the Eleventh Year of the Republic of India as follows.

1. Short title, extent and commencement.- :-

(1) This Act may be called the Bombay Prevention of Begging Act, 1959.

(2) It extends to the whole of the ¹[State of Maharashtra.]

(3) It shall come into force in any area of the State, on such

dates]²as the State Government may, by notification in the Official Gazette, appoint in that behalf for that area.

(4) On the commencement of this Act in any area of the State in the manner provided in sub-section (3), all corresponding laws in force in that area (including the laws mentioned in the Schedule, to the extent specified in the third column thereof) shall stand repealed therein:

Provided that, notwithstanding such repeal anything done or any action taken (including any appointment made, receiving centers and institutions provided, maintained, certified, approved or recognised, authorizations given, powers conferred and duties imposed, committees appointed or constituted, licenses granted, notifications issued and rules made) under any law so repealed, shall in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act; and shall continue in force accordingly unless and until superseded by anything done or any action taken under this Act. And, without prejudice to the aforesaid provision and subject thereto, section 7 of the Bombay General Clauses Act, 1904, shall apply in relation to the repeal of any such law, and if such law be not an enactment within the meaning of that section, it shall apply in relation thereto as if it were enactment within the meaning of that section.

3 \Declaration of controlled area.-

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(1) The State Government may, by notification in the Official Gazette, declare the whole or any part of the area to which this Act extends to be a controlled areas for the purposes of this Act.

(2) Not less than one month before making a declaration under sub-section (1) the State Government shall cause to be published in the Official Gazette, and in at least two newspapers printed in the regional language a notification stating that it proposes to make such a declaration, and copies of the notification or of the substance thereof shall be published by the Collector in such manner as may be prescribed at his office and in the area desired to be controlled.

4. Publication of plans of controlled area.- :-

(1) Any police officer or other person authorised in this behalf in accordance with rules made by the State Government, may arrest without any person who is found begging:

Provided that, no person entering on any private premises for the purpose of soliciting or receiving alms shall be so arrested or shall be liable to any proceedings under this Act, except upon a complaint by the occupier of the premises.

(2) Such police officer or other person shall take or send the person so arrested to a Court.

(3) The provisions of section 61 of the Code of Criminal Procedure 1898, shall apply to every arrest under this section and the officer-in-charge of the police station or section shall cause the arrested person to be kept in the prescribed manner until he can be brought before a Court.

5 \Restrictions in controlled area.-

Except as hereinafter provided, no person shall erect any building or make or extend any excavation, or lay out any means of access to a road, in the controlled area, save in accordance with the plans and restrictions referred to in Section 4 and save with the previous permission of the collector in writing.

6. Applications for permission and grant or refusal of such permission.- :-

(1) Whoever, having been previously detained in a Certified Institution under this Act is found begging, shall on conviction be punished as hereinafter in this section provided.

(2) When a person is convicted for the first time under sub-section (1) the Court shall order him to be detained in a Certified Institution for a period of not less than two years and not more than three years.

(3) When a person is convicted for the second or subsequent time under sub-section (1) the Court shall order him to be detained for a period of ten years in a Certified Institution and may convert any period of such detention (not exceeding two years) into a sentence of imprisonment extending to a like period.

7 \Appeal.-

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(1) Any persons aggrieved or affected by an order of the Collector

under sub-section (2) of Section 6 granting permission 1 Sub-section (4) was substituted by Guj. 30 of 1965. s. 2. subject to conditions or refusing permission, may within sixty days, from the date of such order prefer an appeal to the Commissioner.

(2) The Commissioner, may, after hearing the appeal, vary or reverse the order appealed against and may pass such orders as he deems fit.

(3) The order of the commissioner under sub-section (2) shall be final.

8. Compensation.- :-

(1) The Court which makes an order for the detention of any person in a Certified Institution under section 5 or section 6,/may make an order on the parent or other person liable to maintain him, to contribute to his maintenance, if able to do so, in the manner prescribed.

(2) Before making any such order the Court shall inquire into the circumstances of the parent or other person liable to maintain him, and shall record evidence if any, in the presence of the parent or other person, as the case may be.

(3) Any order made under this section may on an application, made by the party liable, or otherwise, be varied by the Court.

(4) Any order made under this section may be enforced in the same manner as an order under section 488 of the Code of Criminal Procedure, 1898.

9 \Arbitration for compensation.-

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(1) An application for compensation shall lie to an arbitrator appointed by the State Government in this behalf.

(2) Such arbitrator shall be a person who is or has been a District Judge, and he shall have all the powers of an arbitrator under the Arbitration Act, 1940 (X of 1940) and the provisions of the said Act shall, so far as may be, apply in relation to proceedings before him.

(3) In computing the compensation to be awarded regard shall not be had to any consideration for advantages to be gained or improvements to be made in any land or building in the controlled

area, with reference to the development or Intended development in the future, or to increase in value as a result of the development, of the new capital.

(4) The arbitrator shall have power to reject the applications, after due enquiry, or to make an award for compensation.

10. Savings.- :-

When any person who is detained in a Certified Institution under section 5 or section 6 or section 9 is considered, whether on an application made by him to the State Government or otherwise, by the State Government to be blind, a cripple, or otherwise incurably helpless, the State Government may order that he shall, after the expiry of the period of his detention be further detained indefinitely in a Certified Institution:

Provided that the State Government may release any such inmate if any person whom the State Government considers suitable executes a bond, with or without sureties as the State Government may require, making himself responsible for the housing and maintenance of such inmate, and for preventing him from begging or being used for the purpose of begging.

11 \Prohibition on use of land.-

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(1) No land within a controlled area shall, except with the permission of the State Government, be used for purposes other than those for which it was used on the date of notification under sub-section (2) of Section 3 : and no land shall be used for the purposes of a charcoal-kiln, pottery-kiln, lime-kiln or brick-field or brick-kiln, except under, and in accordance with the conditions of a licence from the collector on payment of such fees and under such conditions as may be prescribed.

(2) The renewal of such licence may be made annually on payment of such fees as may be prescribed.

(3) No person shall be entitled to claim compensation for any injury, loss or damage caused or alleged to have been caused by the refusal to issue or renew a licence for a kiln under sub-section (1) or (2), except in a case where such kiln was in existence at the time of the notification under sub-section (2) of Section 3 and where an application for compensation shall lie to the arbitrator

within three months of the order of refusal in the manner provided in Section 9 .

12. Offences and penalties.- :-

(1) The State Government may provide and maintain one or more Receiving Centers at such place or places as it thinks fit, and may certify any institution to be a Receiving Centre for the purposes of this Act.

(2) Every such Receiving Centre shall be under the control of a Superintendent.

13 \Trial of offences.-

. No court inferior to that of a Magistrate of the first class shall be competent to try any offence punishable under this Act.

14. Indemnity.- :-

For every Receiving Centre and Certified Institution, the State Government shall appoint a visiting committee in such manner as may be prescribed.

15 \Exemption.-

. Nothing in this Act shall apply to

(a) any buildings for residential purposes or for purposes subservient to agriculture in the village site area of any village as defined in the revenue records;

(b) the erection of a building constituting a place of worship or a tomb or cenotaph or a wall enclosing a graveyard, place of worship, cenotaph or Samadhi on land which is, at the time of the notification under sub-section (2) of Section 3 , occupied by or for the purposes of such place of worship, tomb, cenotaph, graveyard or Samadhi;

(c) excavations (including wells) or other operations made in the ordinary course of agriculture;

(d) the construction of an un-metalled road intended to give access to land solely for agricultural purposes.

16. Power to make rules.- :-

(1) Notwithstanding anything contained in any law for the time for the time being in force, any local authority which has agreed to pay

a certain sum of money for the maintenance of a Certified Institution shall make payment of that sum to the State Government before a date prescribed in that behalf.

(2) If any sum is not paid by a local authority before the prescribed date, the State Government may make an order directing any person, who for the time being has custody of any money on behalf of the local authority as its officer, treasurer, banker or otherwise to pay the sum of money as he may have in his hands or may from time to time receive, to the State Government, and such person shall be bound to obey such order. Every payment pursuant to such order shall be sufficient discharge to such person from all liability to the local authority in respect of any amount paid by him out of the money of the local authority so held by him.

17 \Repeal of Gujarat Ordinance No. VII of 1960.-

. The Gujarat New Capital (Periphery) Control Ordinance, 1960 is hereby repealed and the provisions of Section 7 of the Bombay General Clauses Act, 1904 , Section 25 of the Bombay General Clauses Act, 1904 shall apply to such repeal as if that Ordinance were an enactment.

1. This portion was added by Mah. 30 of 1966, s. 1